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2 1551 Shelter Island Drive
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4 Attorney for Plaintiff

5 SHELTER ISLAND YACHTWAYS, LTD.
6 a California Limited Partnership,
dba SHELTER ISLAND BOATYARD
7

8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
10

11 SHELTER ISLAND YACHTWAYS, LTD., a
California Limited Partnership, dba SHELTER
12 ISLAND BOATYARD,

13 Plaintiff,

14 v.

15 M/Y SUNDANCE, Official No. 521498, A
HATTARAS MOTORYACHT OF
16 APPROXIMATELY 33 FEET IN LENGTH
AND 12 FEET IN BEAM, AND ALL OF HER
17 ENGINES, TACKLE, ACCESSORIES,
EQUIPMENT, FURNISHINGS AND
18 APPURTENANCES, *in rem*,

19 Defendant.
20

Case No. 07 CV 2015 DMS WMc
IN ADMIRALTY

NOTICE OF UNAVAILABILITY
OF PLAINTIFF'S COUNSEL

21 TO: ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

22 NOTICE IS HEREBY GIVEN that Philip E. Weiss, counsel for Plaintiff SHELTER
23 ISLAND YACHTWAYS, LTD., a California Limited Partnership, dba SHELTER ISLAND
24 BOATYARD, will be out of the state or otherwise unavailable for any purpose whatsoever
25 on the following dates:

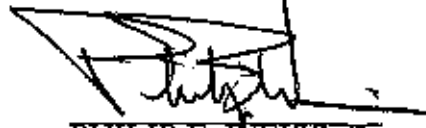
26 November 1 through November 9, 2007, inclusive.

27 Plaintiff's attorney therefore requests that no hearings, depositions, or deadlines/due
28 dates may be set in the above-captioned matter during the dates referenced above. A party's

1 purposefully scheduling a conflicting proceeding without good cause is sanctionable conduct.
2 Tenderloin Housing Clinic v. Sparks (1992) 8 Cal.App4th 299.

3
4 DATED: October 18, 2007

5
6 WEISS & JONES

7 

8 PHILIP E. WEISS, Esq.
9 Attorney for Plaintiff
10 SHELTER ISLAND YACHTWAYS, LTD.
11 a California Limited Partnership,
12 dba SHELTER ISLAND BOATYARD
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Attorney for Plaintiff
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9 **UNITED STATES DISTRICT COURT**
10 **SOUTHERN DISTRICT OF CALIFORNIA**

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12 California Limited Partnership, dba SHELTER
ISLAND BOATYARD,

13 Plaintiff,

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19 Defendant.
20

Case No. 07 CV 2015 DMS WMc
IN ADMIRALTY

DECLARATION OF SERVICE

F.R.C.P. Supplemental Admiralty
Rules C and E.

46 U.S.C. Sections 30101-31343

21
22 **DECLARATION OF SERVICE**

23 **STATE OF CALIFORNIA, COUNTY OF SAN DIEGO**

24 I am employed in San Diego County, State of California. I am over the age of eighteen (18)
25 and not a party to this action; my business address is 1551 Shelter Island Drive, San Diego,
26 California 92106. On October 18, 2007, I served the following document(s) described as:

27 - **Notice of Unavailability of Plaintiff's Counsel**

28 on the interested parties in Case No. 07 CV 2015 DMS WMc by placing ☐ the

1 original ☒ a true copy thereof enclosed in a sealed envelope addressed as follows:

2 Mr. Wayne Oliver

3 P.O. Box 3179

4 Kerby, OR 97531-3179

5 ☐ **(BY PERSONAL SERVICE):** Personal service accomplished by ☐ attorney service or
6 ☐ _____, employed by Weiss & Jones.

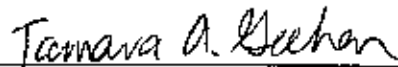
7 ☐ **(BY FACSIMILE AS INDICATED ABOVE):** I caused the foregoing document(s) to be
8 sent via facsimile transmission to the above addressee(s) at the facsimile numbers indicated above.

9 ☒ **(BY MAIL AS INDICATED ABOVE):** As follows: I am "readily familiar" with the firm's
10 practice of collection and processing correspondence for mailing. Under that practice it would be
11 deposited with U.S. Postal Service on that same day with postage thereon fully prepaid at San Diego,
12 California in the ordinary course of business. I am aware that on motion of the party served, service
13 is presumed invalid if postal cancellation date or postage meter date is more than one day after
14 deposit for mailing in affidavit.

15 ☐ **(STATE):** I declare under penalty of perjury under the laws of the State of California that
16 the foregoing is true and correct.

17 ☒ **(FEDERAL):** I declare that I am employed in the office of a member of the bar of this court
18 at whose direction the service was made.

19 Dated: October 18, 2007



20 Tamara A. Geehan

21 e:\west-sdcal-clientsub\proofservice